

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947
(302) 856-5257

January 6, 2012

N440 State Mail
Woodrow Dickerson, III
Sussex Correctional Institution
P. O. Box 500
Georgetown, DE 19947

RE: State of Delaware v. Woodrow W. Dickerson, III
Defendant ID No. 1007009853

Dear Mr. Dickerson:

The Court received your Motion for Post Conviction Relief on December 16, 2011. This motion was signed by you and dated December 13, 2011, and was postmarked on December 14, 2011.

BACKGROUND

Mr. Dickerson was arrested on June 17, 2010, for felony driving under the influence, resisting arrest, failure to be fingerprinted, driving while suspended or revoked, and failure to have insurance and registration paperwork in the vehicle.

On December 8, 2010, Mr. Dickerson pled guilty to DUI Fourth Offense. The plea agreement evidenced a Blood Alcohol Content (B.A.C.) of .30. Mr. Dickerson received a sentence of 5 years at supervision Level V, with credit for 116 days. Upon successful completion of the supervision Level V Key Program, the balance of the Level V was suspended for 1 year at supervision Level IV Crest, followed by 18 months supervision Level III aftercare.

Mr. Dickerson has filed three separate motions to modify his sentence wherein he referenced his remorse and offered no excuses for his actions.

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RULE 61 ALLEGATIONS

Mr. Dickerson's present motion attacks his attorney as being ineffective. None of Mr. Dickerson's present claims are newly discovered. There was no appeal filed which means the final judgement of conviction is December 8, 2010.

Pursuant to Superior Court Criminal Rule 61(i)(1), a person convicted has one year to file a Post Conviction Motion. If a motion is filed outside of the required one year, it must be dismissed as procedurally barred.

Mr. Dickerson offers no reason why the bar is inapplicable. A review of the entire file pertaining to the arrest and conviction raises no indication that there exists a colorable claim of any fundamental miscarriage of justice.

Mr. Dickerson's Motion for Post Conviction Relief was filed too late and is denied.

SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

THG:pac

cc: Prothonotary
Timothy Hessemann, Esquire, Department of Justice
Michael Abram, Esquire

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